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7 **IN THE CIRCUIT COURT OF THE STATE OF OREGON**
8 **FOR THE COUNTY OF MULTNOMAH**
9

10 **PAMELA GALE SHELDON,**
Individually and as Personal Representative of
the Estate of **BILL JACK SHELDON,**

11 Plaintiff,
12

13 v.

14 **CLEAVER-BROOKS, INC.,**
f/k/a AQUA-CHEM, INC. d/b/a
CLEAVER-BROOKS DIVISION
15 **KOGAP ENTERPRISES INC.**
f/k/a KOGAP MANUFACTURING CO.;

16 Defendants.
17
18

Case No.

**COMPLAINT FOR WRONGFUL
DEATH AND SURVIVORSHIP
(STRICT LIABILITY;
NEGLIGENCE; AND LOSS OF
CONSORTIUM)**

DEMAND FOR JURY TRIAL

**CLAIM NOT SUBJECT TO
MANDATORY ARBITRATION**

Prayer Amount: \$10,000,000

ORS 21.160(1)(e)

19 1.
20

21 Plaintiff alleges at all material times:

- 22 a) Defendant, **CLEAVER-BROOKS, INC.** (f/k/a AQUA-CHEM, INC. d/b/a
23 Cleaver-Brooks Division), was and is a Delaware corporation, not registered to do

business in the State of Oregon, with its principal place of business in Thomasville, Georgia. At all times material hereto, CLEAVER-BROOKS, INC. was engaged in either the mined, manufactured, processed, imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or retailed asbestos and/or asbestos-containing products, materials, or equipment, including, but not limited to, asbestos-containing Cleaver-Brooks boilers. CLEAVER-BROOKS, INC. is sued as a Product Defendant. Plaintiff's claims against CLEAVER-BROOKS, INC. arise out of this Defendant's business activities in the State of Oregon.

b) Defendant **KOGAP ENTERPRISES INC.** (f/k/a KOGAP Manufacturing Co.), was and is an Oregon corporation with its principal place of business in Oregon. At all times material hereto, KOGAP ENTERPRISES INC. owned and/or controlled premises at which Decedent Bill Jack Sheldon was exposed to asbestos-containing products, equipment, and asbestos dust from products and equipment at facilities, including but not limited to, the KOGAP-owned lumber mill facility f/k/a the KOGAP Plywood/Veneer Mill in Medford, Oregon.

2.

Plaintiff, Pamela Gale Sheldon, is the duly appointed Personal Representative of the Estate of Bill Jack Sheldon (deceased), and a resident of the US Virgin Islands. Decedent Bill Jack Sheldon was diagnosed with mesothelioma, a cancer of the lining of the lungs caused by exposure to asbestos.

3.

At all material times:

1 The Defendants manufactured, sold, and/or distributed asbestos, asbestos-containing
 2 products and/or materials for use in Oregon. At all times relevant to this action, the Defendants
 3 and the predecessors of the Defendants for whose actions the Defendants are legally responsible,
 4 were engaged in the manufacture, sale, and distribution of asbestos-containing products,
 5 material, and/or raw material. ORCP 4D(2)

6 4.

7 At all times relevant to this action, Defendants conducted regular and sustained business
 8 activities in the State of Oregon out of which the claims for relief arose. ORCP 4A(4)

9 5.

10 Decedent BILL JACK SHELDON died from mesothelioma on July 24, 2018. This
 11 complaint is filed within the applicable statute of limitations.

12 6.

13 Decedent BILL JACK SHELDON was exposed to asbestos-containing products and
 14 equipment containing asbestos materials which was manufactured, supplied, distributed and/or
 15 specified by Defendants. Decedent BILL JACK SHELDON was exposed to airborne asbestos
 16 fibers, both directly working with asbestos and asbestos-containing materials and by working in
 17 the vicinity of other workers handling asbestos products from approximately 1972 to 1994 (See
 18 Exhibit A). From 1972 to 1994, Decedent worked as a core feeder on the Layup Line at the
 19 KOGAP Plywood/Veneer Mill in Medford, Oregon. This involved working with and around hot
 20 presses, cold presses, rollers, conveyors and heating equipment exposing him to dust from
 21 asbestos-containing products.

22 **FIRST CLAIM FOR RELIEF**

23

(Strict Liability)

7.

Plaintiff re-alleges paragraphs 1-6.

8.

The asbestos fibers, asbestos-containing products, and equipment utilizing asbestos-containing products of the defendants were unreasonably dangerous and defective in that:

- a) Defendants did not provide sufficient warnings and/or instructions about harm caused by exposure to Defendants' asbestos fibers, asbestos-containing products and equipment utilizing asbestos-containing products;
- b) The asbestos fibers in the asbestos-containing products and equipment utilizing asbestos-containing products of Defendants were capable of causing mesothelioma when inhaled by individuals, including Decedent BILL JACK SHELDON, making them unreasonably dangerous to the ordinary consumer; and
- c) Individuals, including Decedent BILL JACK SHELDON, who came into contact with asbestos fibers, were not advised to utilize proper respiratory protection when exposed to airborne asbestos fibers within their working environment.

9.

As a result of Decedent's exposure to the unreasonably dangerous and defective asbestos-containing products manufactured, distributed, sold, installed, applied or containing the Defendants' asbestos fiber, Decedent contracted mesothelioma, from which he died. Decedent's Estate suffered non-economic damages for the loss of society and companionship, grief, anguish, and for the conscious pain and suffering sustained by the Decedent prior to his death, to the Decedent's Estate's non-economic damage in the amount of \$9,000,000.

10.

As a result of Decedent's exposure to the unreasonably dangerous and defective asbestos-containing products manufactured, supplied, distributed, sold, installed, applied or containing the Defendants' asbestos fiber, Decedent contracted mesothelioma, from which he died. Decedent's Estate has suffered economic damages for medical bills, funeral and burial expenses, and lost earning capacity in the amount of \$1,000,000.

11.

As a result of Decedent's exposure to the unreasonably dangerous and defective asbestos-containing products manufactured, distributed, sold, installed, applied or containing asbestos fiber, Decedent contracted mesothelioma, from which he died. Decedent's Estate suffered non-economic damages for the loss of society and companionship, grief, anguish, and for the conscious pain and suffering sustained by the Decedent prior to his death, to the Decedent's Estate's non-economic damage in the amount of \$9,000,000.

12.

As a result of Decedent's exposure to the unreasonably dangerous and defective asbestos-containing products manufactured, distributed, sold, installed, applied or containing the Defendants' asbestos fiber, Decedent contracted mesothelioma, from which he died. Decedent's Estate has suffered economic damages for medical bills, funeral and burial expenses, and lost earning capacity in the amount of \$1,000,000.

SECOND CLAIM FOR RELIEF

(Negligence)

13.

1 Plaintiff re-alleges paragraphs 1-12.

2 14.

3 Defendants were negligent generally and in one or more of the following particulars:

- 4 a) Defendants did not provide sufficient or adequate warnings and/or instructions of
5 the harm caused by exposure to Defendants' asbestos-containing products and
6 equipment utilizing asbestos-containing products. Defendants, prior to the period
7 of Decedent's exposure to asbestos, possessed information concerning the adverse
8 effects and disease-producing capabilities of those products and equipment;
- 9 b) Defendants failed to withdraw asbestos-containing products and equipment
10 utilizing asbestos-containing products from the market prior Decedent's exposure,
11 when Defendants possessed information concerning the adverse effects and
12 disease-producing capabilities of those products and equipment;
- 13 c) Defendants failed to determine the level of airborne asbestos fibers emitted by
14 their products and equipment when the products and equipment were being used
15 by the end user;
- 16 d) Defendants failed to conduct tests to determine the amount of asbestos to which
17 Decedent BILL JACK SHELDON, or similarly situated workers, would be
18 exposed, when workers engaged in the use of these products and equipment; and
- 19 e) Defendants failed to warn individual workers, including Decedent, regarding the
20 hazards associated with the use of their asbestos-containing products and
21 equipment utilizing asbestos-containing products.

22 15.

1 As a result of Defendants' negligence as set forth above, Decedent contracted
2 mesothelioma, from which he died. Decedent's Estate suffered non-economic damages for the
3 loss of society and companionship, grief, anguish, and for the conscious pain and suffering
4 sustained by the Decedent prior to his death, to the Decedent's Estate's non-economic damage
5 in the amount of \$9,000,000.

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8 mesothelioma, from which he died. Decedent's Estate has suffered economic damages for
9 medical bills, funeral and burial expenses, and lost earning capacity in the amount of
10 \$1,000,000.

11 17.

12 Plaintiff demands a jury trial.

13 **WHEREFORE**, Plaintiff prays for judgment as follows:

14 **FIRST CLAIM FOR RELIEF (Strict Liability):**

15 1. Non-economic damages in an amount to be ascertained at trial but not to exceed
16 \$9,000,000.

17 2. Economic damages in an amount to be ascertained at trial but not to exceed
18 \$1,000,000.

19 3. Plaintiff's costs and disbursements incurred herein.

20 4. Any other costs this court deems equitable.

21 **SECOND CLAIM FOR RELIEF (Negligence):**

22 1. Non-economic damages in an amount to be ascertained at trial but not to exceed
23 \$9,000,000.

2. Economic damages in an amount to be ascertained at trial but not to exceed \$1,000,000.

3. Plaintiff's costs and disbursements incurred herein.

4. Any other costs this court deems equitable.

DATED: July 30, 2019.

LAW OFFICE OF JEFFREY S. MUTNICK



Jeffrey S. Mutnick, OSB No. 721784
Of Attorneys for Plaintiff
737 SW Vista Avenue
Portland, OR 97205
T: 503-595-1033
F: 503-224-9430
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and

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F: 214-722-5991
Jessica M. Dean, CSB No. 260598
(To Be Admitted *Pro Hac Vice*)
Email: jdean@dobslegal.com
Benjamin H. Adams, CSB No. 272909
(To Be Admitted *Pro Hac Vice*)
Email: badams@dobsleal.com

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

PAMELA GALE SHELDON,
Individually and as Personal Representative of
the Estate of **BILL JACK SHELDON,**

Plaintiff,

v.

CLEAVER-BROOKS, INC.,
f/k/a AQUA-CHEM, INC. d/b/a
CLEAVER-BROOKS DIVISION
KOGAP ENTERPRISES INC.
f/k/a KOGAP MANUFACTURING CO.;

Defendants.

Case No. 19CV33669

**FIRST AMENDED COMPLAINT
FOR WRONGFUL DEATH AND
SURVIVORSHIP
(STRICT LIABILITY;
NEGLIGENCE; AND LOSS OF
CONSORTIUM)**

DEMAND FOR JURY TRIAL

**CLAIM NOT SUBJECT TO
MANDATORY ARBITRATION**

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business in the State of Oregon, with its principal place of business in Thomasville, Georgia. At all times material hereto, CLEAVER-BROOKS, INC. was engaged in either the mined, manufactured, processed, imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or retailed asbestos and/or asbestos-containing products, materials, or equipment, including, but not limited to, asbestos-containing Cleaver-Brooks boilers. CLEAVER-BROOKS, INC. is sued as a Product Defendant. Plaintiff's claims against CLEAVER-BROOKS, INC. arise out of this Defendant's business activities in the State of Oregon.

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2.

Plaintiff, Pamela Gale Sheldon, is the duly appointed Personal Representative of the Estate of Bill Jack Sheldon (deceased), and a resident of the US Virgin Islands. Decedent Bill Jack Sheldon was diagnosed with mesothelioma, a cancer of the lining of the lungs caused by exposure to asbestos.

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1 The Defendants manufactured, sold, and/or distributed asbestos, asbestos-containing
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 3 and the predecessors of the Defendants for whose actions the Defendants are legally responsible,
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As a result of Decedent's exposure to the unreasonably dangerous and defective asbestos-containing products manufactured, supplied, distributed, sold, installed, applied or containing the Defendants' asbestos fiber, Decedent contracted mesothelioma, from which he died. Decedent's Estate has suffered economic damages for medical bills, funeral and burial expenses, and lost earning capacity in the amount of \$1,000,000.

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As a result of Decedent's exposure to the unreasonably dangerous and defective asbestos-containing products manufactured, distributed, sold, installed, applied or containing asbestos fiber, Decedent contracted mesothelioma, from which he died. Decedent's Estate suffered non-economic damages for the loss of society and companionship, grief, anguish, and for the conscious pain and suffering sustained by the Decedent prior to his death, to the Decedent's Estate's non-economic damage in the amount of \$9,000,000.

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As a result of Decedent's exposure to the unreasonably dangerous and defective asbestos-containing products manufactured, distributed, sold, installed, applied or containing the Defendants' asbestos fiber, Decedent contracted mesothelioma, from which he died. Decedent's Estate has suffered economic damages for medical bills, funeral and burial expenses, and lost earning capacity in the amount of \$1,000,000.

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7 of Decedent's exposure to asbestos, possessed information concerning the adverse
8 effects and disease-producing capabilities of those products and equipment;
- 9 b) Defendants failed to withdraw asbestos-containing products and equipment
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15 by the end user;
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18 exposed, when workers engaged in the use of these products and equipment; and
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9 medical bills, funeral and burial expenses, and lost earning capacity in the amount of
10 \$1,000,000.

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12 Plaintiff demands a jury trial.

13 **WHEREFORE**, Plaintiff prays for judgment as follows:

14 **FIRST CLAIM FOR RELIEF (Strict Liability):**

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16 \$9,000,000.

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19 3. Plaintiff's costs and disbursements incurred herein.

20 4. Any other costs this court deems equitable.

21 **SECOND CLAIM FOR RELIEF (Negligence):**

22 1. Non-economic damages in an amount to be ascertained at trial but not to exceed
23 \$9,000,000.

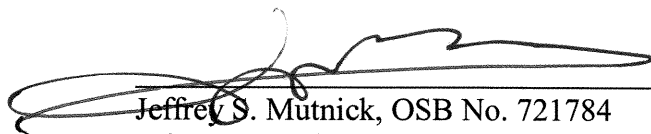
2. Economic damages in an amount to be ascertained at trial but not to exceed \$1,000,000.

3. Plaintiff's costs and disbursements incurred herein.

4. Any other costs this court deems equitable.

DATED: August 21, 2019.

LAW OFFICE OF JEFFREY S. MUTNICK



Jeffrey S. Mutnick, OSB No. 721784
Of Attorneys for Plaintiff
737 SW Vista Avenue
Portland, OR 97205
T: 503-595-1033
F: 503-224-9430
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and

DEAN OMAR BRANHAM SHIRLEY, LLP
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Dallas, Texas 75202
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F: 214-722-5991
Jessica M. Dean, CSB No. 260598
(To Be Admitted *Pro Hac Vice*)
Email: jdean@dobslegal.com
Benjamin H. Adams, CSB No. 272909
(To Be Admitted *Pro Hac Vice*)
Email: badams@dobsleal.com

EXHIBIT A
Bill Jack Sheldon

Upon information and belief, Plaintiff's Exhibit A contains the following employers, locations and products. Plaintiff's discovery is ongoing, and Exhibit A may not be all inclusive.

Employer	Location of Exposure	Asbestos-Containing Products & Equipment	Manufacturers, Distributors and Suppliers	Job Title	Exposure Dates
KOPAK Enterprises Inc.	Medford, OR	<u>various, including but not necessarily limited to:</u> hot presses, cold presses, rollers, conveyors, heating equipment and insulation.	<u>various, including but not necessarily limited to:</u> KOGAP Plywood/Veneer Mill Cleaver-Brooks boilers	Core Feeder	Approximately 1972 to 1994

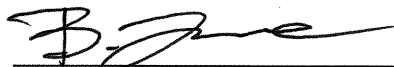
EXHIBIT A – Page Solo

CERTIFICATE OF SERVICE

I hereby certify that on August 27, 2019, I served the foregoing **First Amended Complaint** to the following via e-mail or as otherwise indicated:

<i>E-Mail: aeraut@rizzopc.com E-Mail: asbestos@rizzopc.com</i> Allen Eraut Rizzo Mattingly & Bosworth PC Attorneys at Law 1300 SW Sixth Ave, Suite 330 Portland, OR 97201 <i>Of Attorneys for Cleaver Brooks, Inc.</i>	<i>E-Mail: ceb@roguelaw.com</i> Charles E. Bolen Hornecker Cowling 14 North Central Ave., Ste. 104 Medford, OR 97501 <i>Of Attorneys for Kogap Enterprises Inc.</i>
--	--

LAW OFFICES OF JEFFREY S. MUTNICK



Brian Yarne
Legal Assistant to
Jeffrey S. Mutnick, OSB #721784
Of Attorneys for Plaintiff

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

PAMELA GALE SHELDON, et al.,

Plaintiff,

vs.

Case No. **19CV33669**

CERTIFICATE OF SERVICE

CLEAVER-BROOKS, INC. fka AQUA-CHEM,
INC. dba CLEAVER-BROOKS DIVISION, et
al.,

Defendant.

STATE OF DELAWARE
County of New Castle

ss.

I, McKenna Touey, hereby certify that I am a competent person 18 years of age or older, a resident of the State of Delaware and that I am not a party to nor an attorney for any party in the within named action; that I made service of a true copy of:

Summons and Complaint for Wrongful Death and Survivorship (Strict Liability; Negligence; and Loss of Consortium)

CORPORATE SERVICE - Pursuant to ORCP 7D(3):

Upon **CLEAVER-BROOKS, INC. fka AQUA-CHEM, INC. dba CLEAVER-BROOKS DIVISION**, by personal service upon Lynanne Gares, the clerk on duty in the office of the registered agent, Corporation Service Company, 251 Little Falls Drive, Wilmington, DE 19808 on August 09, 2019 at 2:30 PM.

I declare under the penalty of perjury that the above statement is true and correct.

Dated this 12 day of August, 2019.



345972

X

McKenna Touey
Nationwide Process Service, Inc.
1201 S.W. 12th Avenue, Suite 300
Portland, OR 97205
503-241-0636

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

PAMELA GALE SHELDON, et al.,

Plaintiff,

vs.

Case No. **19CV33669**

CERTIFICATE OF SERVICE

CLEAVER-BROOKS, INC. fka AQUA-CHEM,
INC. dba CLEAVER-BROOKS DIVISION, et
al.,

Defendant.

STATE OF OREGON
County of Jackson ss.

I, Kristeen Martin, hereby certify that I am a competent person 18 years of age or older, a resident of the State of Oregon and that I am not a party to nor an attorney for any party in the within named action; that I made service of a true copy of:

Summons and Complaint for Wrongful Death and Survivorship (Strict Liability; Negligence; and Loss of Consortium)


CORPORATE SERVICE:

Upon **KOGAP ENTERPRISES INC. fka KOGAP MANUFACTURING CO.**, by delivering such true copy, personally and in person, to Marvin Hackwell, who is the Registered Agent thereof, at 115 Stewart Ave, Suite 202, Medford, OR 97501 on August 12, 2019 at 10:20 AM.

I declare under the penalty of perjury that the above statement is true and correct.

Dated this 13 day of August, 20 19.

X


Kristeen Martin
Nationwide Process Service, Inc.
1201 S.W. 12th Avenue, Suite 300
Portland, OR 97205
503-241-0636



345973

**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH**

PAMELA GALE SHELDON,
Individually and as Personal Representative of
the Estate of **BILL JACK SHELDON,**

Plaintiff,

v.

CLEAVER-BROOKS, INC.,
f/k/a AQUA-CHEM, INC. d/b/a
CLEAVER-BROOKS DIVISION
KOGAP ENTERPRISES INC.
f/k/a KOGAP MANUFACTURING CO.;

Defendants.

CASE NO. 19CV33669

**PLAINTIFFS' MOTION TO ADMIT
OUT-OF-STATE COUNSEL,
JESSICA DEAN, PRO HAC VICE**

Pursuant to UTCR 3.170, Attorneys for Plaintiff Pamela Gale Sheldon, Individually and as Personal Representative of the Estate of Bill Jack Sheldon, by and through her local counsel, Jeffrey S. Mutnick, of Law Office of Jeffrey S. Mutnick, 737 SW Vista Avenue, Portland, OR 97205, moves the Court for an order admitting Jessica Dean of Dean Omar Branham & Shirley, 302 N. Market St., Suite 300, Dallas, Texas 75202 in this matter.

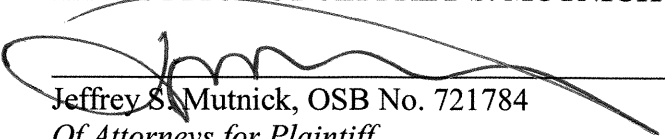
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1
2 This motion is supported by the attached fully executed Certificate of Compliance for Pro
3 Hac Vice Admission.

4
5 **DATED:** August 22, 2019.

6 **LAW OFFICE OF JEFFREY S. MUTNICK**

7
8 
Jeffrey S. Mutnick, OSB No. 721784

Of Attorneys for Plaintiff

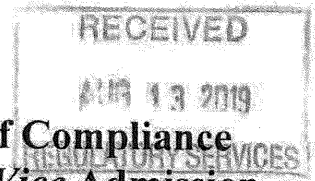
737 SW Vista Avenue

Portland, OR 97205

T: 503-595-1033

F: 503-224-9430

Email: jmutnick@mutnicklaw.com

In re: Jessica M. Dean

Name of Out-of-State Attorney

**Certificate of Compliance
For Pro Hac Vice Admission**

I, Jessica M. Dean (print name), am an attorney in the State of Texas
and I intend to seek *pro hac vice* admission in accordance with ORS 9.241 and UCR 3.170 in the following Oregon court action or proceeding:

Case Name: Pamela Gale Sheldon, Individually and as Personal Representative of the Estate of Bill Jack Sheldon v. Cleaver Brooks, Inc., et al

Court: Circuit Court of Multnomah County

Case No.: 19CV33669

I certify that (check all that apply):

- ☒ I am an attorney in good standing in the State of Texas, as evidenced by the attached good standing certificate issued by the licensing authority in that state.
- ☒ I am not subject to any pending disciplinary proceedings in any jurisdiction; or
- ☐ I am subject to pending disciplinary proceedings in another jurisdiction, the nature and status of which are described in an attachment to this certificate.
- ☒ I intend to associate in the above-referenced action or proceeding with Jeffrey Mutnick, OSB No. 721784, an active member in good standing of the Oregon State Bar, who will participate meaningfully in the matter.
- ☒ I will comply with applicable statutes, laws, and procedural rules of the State of Oregon; be familiar with and comply with disciplinary rules of the Oregon State Bar; and submit to the jurisdiction of the Oregon courts and Oregon State Bar with respect to acts and omissions occurring during my *pro hac vice* admission.
- ☒ My private law practice activities in Oregon are covered by professional liability insurance substantially equivalent to the Oregon State Bar Professional Liability Fund plan, as evidenced by the attached certificate of insurance coverage.
- ☒ I agree, as a continuing obligation of *pro hac vice* admission, to notify the trial court promptly of any changes in my insurance coverage, or my admission or disciplinary status in any other jurisdiction.
- ☒ I will provide to the Oregon State Bar a copy of the order admitting me *pro hac vice* in the above-referenced matter when such an order is granted. In the event *pro hac vice* admission is revoked for any reason, I will promptly notify the Oregon State Bar.
- ☒ I submit \$500 to the Oregon State Bar as payment of the *pro hac vice* fee established by ORS 9.241 and the rules of the Oregon Supreme Court. I acknowledge that this fee is for a period of twelve months from the date of the Acknowledgment of Receipt issued below, and that an additional fee of \$500 will be required in order for me to continue my *pro hac vice* admission in the matter for every twelve-month period thereafter.

Dated this 9th day of August, 20 19.

X

(Applicant Signature)

Texas

Bar No.: 24040777

(Home Jurisdiction)

Mailing Address: Dean Omar Branham & Shirley
302 N. Market Street, Suite 300
Dallas, Texas 75202

Phone: 214-722-5990

FAX: 214-722-5991

Email: jdean@dobslegal.com

Acknowledgment of Receipt

As Director of Regulatory Services of the Oregon State Bar, I acknowledge receipt from the above-named out-of-state attorney of the Certificate of Compliance for Pro Hac Vice Admission and attachments, and the \$500 fee for pro hac vice appearance in the above-referenced Oregon action or proceeding. The fee is for a period of twelve months from the date of this acknowledgment.

Dated this 13th day of August, 20 19.

☒ SEE MATERIALS ATTACHED:

Dawn Evans, Director of Regulatory Services

Note that the professional liability coverage deductible substantially exceeds that of the PLF.

Oregon State Bar Regulatory Services, PO Box 231935, Tigard, OR 97281-1935

STATE BAR OF TEXAS



Office of the Chief Disciplinary Counsel

August 06, 2019

Re: Ms. Jessica Michelle Dean, State Bar Number 24040777

To Whom It May Concern:

This is to certify that Ms. Jessica Michelle Dean was licensed to practice law in Texas on November 06, 2003, and is an active member in good standing with the State Bar of Texas. "Good standing" means that the attorney is current on payment of Bar dues; has met Minimum Continuing Legal Education requirements; and is not presently under either administrative or disciplinary suspension from the practice of law.

This certification expires 30 days from the date, unless sooner revoked or rendered invalid by operation of rule or law.

Sincerely,

Seana Willing
Chief Disciplinary Counsel
SW/web





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

4/22/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER IMA Select LLC 6200 LBJ Freeway Suite 200 Dallas TX 75240	CONTACT NAME: Sundee Kelly PHONE (A/C, No, Ext): 972-759-3727 FAX (A/C, No): 972-458-8755 E-MAIL ADDRESS: sundee.kelly@imacorp.com														
INSURED DEANOMA-01 DOBS Legal, LLP dba Dean Omar Branham Shirley, LLP 302 N Market St, Ste 300 Dallas TX 75202	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: left;">INSURER(S) AFFORDING COVERAGE</th> <th style="text-align: left;">NAIC #</th> </tr> <tr> <td>INSURER A: Allied World Insurance Company</td> <td>22730</td> </tr> <tr> <td>INSURER B:</td> <td></td> </tr> <tr> <td>INSURER C:</td> <td></td> </tr> <tr> <td>INSURER D:</td> <td></td> </tr> <tr> <td>INSURER E:</td> <td></td> </tr> <tr> <td>INSURER F:</td> <td></td> </tr> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A: Allied World Insurance Company	22730	INSURER B:		INSURER C:		INSURER D:		INSURER E:		INSURER F:	
INSURER(S) AFFORDING COVERAGE	NAIC #														
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INSURER B:															
INSURER C:															
INSURER D:															
INSURER E:															
INSURER F:															

COVERAGES

CERTIFICATE NUMBER: 1183131470

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:						EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$ \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	Lawyers Professional			03088172	2/1/2019	2/1/2020	Per Claim Aggregate Retention 5,000,000 5,000,000 50,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER**CANCELLATION**

Oregon State Bar P. O. Box 231935 Tigard OR 97281-1935	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
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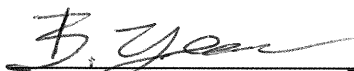
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CERTIFICATE OF SERVICE

I hereby certify that on August 22, 2019, I served the foregoing **Motion and Proposed Order to admit out-of-state counsel, Jessica Dean, Pro Hac Vice** to the following via e-mail or as otherwise indicated:

<p><u>E-Mail: aeraut@rizzopc.com</u> <u>E-Mail: asbestos@rizzopc.com</u> Allen Eraut Rizzo Mattingly & Bosworth PC Attorneys at Law 1300 SW Sixth Ave, Suite 330 Portland, OR 97201</p> <p><i>Of Attorneys for Cleaver Brooks, Inc.</i></p>	<p>VIA US MAIL Only</p> <p>Marvin Hackwell, Registered Agent 115 Stewart Ave, Suite 202 Medford, OR 97501</p> <p><i>Registered Agent for Kogap Enterprises Inc.</i></p>
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LAW OFFICES OF JEFFREY S. MUTNICK



 Brian Yarne
 Legal Assistant to
 Jeffrey S. Mutnick, OSB #721784
 Of Attorneys for Plaintiff

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**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH**

PAMELA GALE SHELDON,
Individually and as Personal Representative of
the Estate of **BILL JACK SHELDON,**

Plaintiff,

v.

CLEAVER-BROOKS, INC.,
f/k/a AQUA-CHEM, INC. d/b/a
CLEAVER-BROOKS DIVISION
KOGAP ENTERPRISES INC.
f/k/a KOGAP MANUFACTURING CO.;

Defendants.

CASE NO. 19CV33669

**ORDER GRANTING PLAINTIFFS'
MOTION TO ADMIT OUT-OF-
STATE COUNSEL, JESSICA DEAN,
PRO HAC VICE**

THIS CAUSE, having come before the Court upon the Motion to Admit-Out-of-State Counsel, Jessica Dean, Pro Hac Vice as counsel for Plaintiff, and the Court having considered the Motion and being otherwise duly advised in the premises, it is hereby

ORDERED AND ADJUDGED that the Motion is GRANTED. Jessica Dean is permitted to appear *Pro Hac Vice* in this cause of action.


CERTIFICATE OF COMPLIANCE WITH UTCR 5.100

This proposed Order or Judgment is ready for judicial signature because:

All requirements of UTCR 3.170 have been satisfied.

DATED: August 22, 2019

LAW OFFICES OF JEFFREY S. MUTNICK



Brian Yarne
Paralegal to
Jeffrey S. Mutnick, OSB #721784
Of Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on August 22, 2019, I served the foregoing **Motion and Proposed Order to admit out-of-state counsel, Jessica Dean, Pro Hac Vice** to the following via e-mail or as otherwise indicated:

<u>E-Mail: aeraut@rizzopc.com</u> <u>E-Mail: asbestos@rizzopc.com</u> Allen Eraut Rizzo Mattingly & Bosworth PC Attorneys at Law 1300 SW Sixth Ave, Suite 330 Portland, OR 97201 <i>Of Attorneys for Cleaver Brooks, Inc.</i>	VIA US MAIL Only Marvin Hackwell, Registered Agent 115 Stewart Ave, Suite 202 Medford, OR 97501 <i>Registered Agent for Kogap Enterprises Inc.</i>
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LAW OFFICES OF JEFFREY S. MUTNICK



Brian Yarne
Legal Assistant to
Jeffrey S. Mutnick, OSB #721784
Of Attorneys for Plaintiff

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

PAMELA GALE SHELDON,
Individually and as Personal Representative of
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Plaintiff,

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CLEAVER-BROOKS, INC.,
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CLEAVER-BROOKS DIVISION
KOGAP ENTERPRISES INC.
f/k/a KOGAP MANUFACTURING CO.;

Defendants.

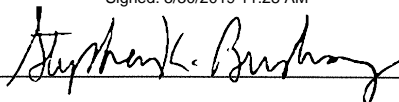
CASE NO. 19CV33669

**ORDER GRANTING PLAINTIFFS'
MOTION TO ADMIT OUT-OF-
STATE COUNSEL, JESSICA DEAN,
PRO HAC VICE**

THIS CAUSE, having come before the Court upon the Motion to Admit-Out-of-State Counsel, Jessica Dean, Pro Hac Vice as counsel for Plaintiff, and the Court having considered the Motion and being otherwise duly advised in the premises, it is hereby

ORDERED AND ADJUDGED that the Motion is GRANTED. Jessica Dean is permitted to appear *Pro Hac Vice* in this cause of action.

Signed: 8/30/2019 11:28 AM



Circuit Court Judge Stephen Bushong
proxy signed by BC


CERTIFICATE OF COMPLIANCE WITH UTCR 5.100

This proposed Order or Judgment is ready for judicial signature because:

All requirements of UTCR 3.170 have been satisfied.

DATED: August 22, 2019

LAW OFFICES OF JEFFREY S. MUTNICK



Brian Yarne
Paralegal to
Jeffrey S. Mutnick, OSB #721784
Of Attorneys for Plaintiff

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LAW OFFICES OF JEFFREY S. MUTNICK



Brian Yarne
Legal Assistant to
Jeffrey S. Mutnick, OSB #721784
Of Attorneys for Plaintiff